

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #1	CCRB Case #: 201804908	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Sunday, 06/17/2018 1:40 PM	Location of Incident: § 87(2)(b) [REDACTED]	Precinct: 25	18 Mo. SOL 12/17/2019	EO SOL 12/17/2019	
Date/Time CV Reported Tue, 06/19/2018 3:53 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Tue, 06/19/2018 3:53 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POF Tamika Cirino	13621	946861	PSA 5

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Jason Chung	03196	964444	PSA 5
2. SGT Evan Dumont	03956	948920	PSA 5
3. POM Franco Escobar	12025	955903	PSA 5
4. POF Julia Aymar	04539	939891	PSA 5

Officer(s)	Allegation	Investigator Recommendation
A.POF Tamika Cirino	Force: Police Officer Tamika Cirino used physical force against § 87(2)(b) [REDACTED]	[REDACTED]

Case Summary

On June 19, 2018, § 87(2)(b) filed this complaint in person at the 32nd Precinct stationhouse.

On June 17, 2018 at approximately 1:40PM at their apartment located at § 87(2)(b) in Manhattan, § 87(2)(b) and her sister, § 87(2)(b) got into a physical altercation. Police Officer Tamika Cirino, Julia Aymar, Franco Escobar, and Jason Chung, all of PSA 5, responded to the location where § 87(2)(b)'s mother, § 87(2)(b) gave them consent to enter. PO Cirino allegedly punched § 87(2)(b) in the face. (**Allegation A-Force:** § 87(2)(g) § 87(2)(b) and § 87(2)(b) § 87(2)(b) were both arrested as a result of this incident; both were charged with assault. In addition, § 87(2)(b) was charged with assaulting a police officer.

Video footage from the apartment building was obtained from NYCHA but it did not capture the incident, as there were no cameras located on the eighth floor (Board Review 01).

Findings and Recommendations

Allegation A-Force: Police Officer Tamika Cirino used physical force against § 87(2)(b)

§ 87(2)(b) testified that she and her sister, § 87(2)(b) § 87(2)(b) got into a physical fight over the use of an iPhone charger (Board Review 02). As a result of this fight, § 87(2)(b) § 87(2)(b) sustained scratches to her face and a bite mark to one of her fingers. § 87(2)(b) § 87(2)(b) sustained numerous scratches to her face and a bite mark on her pinky finger. After the fight, § 87(2)(b) locked herself in her bedroom, where she sat on the dresser, wrapped solely in a towel. § 87(2)(b)'s face was bleeding from the scratches she sustained during the fight.

PO Cirino entered § 87(2)(b)'s room and told her to get dressed because she had to go to the precinct. § 87(2)(b) § 87(2)(b) entered the room with PO Cirino. § 87(2)(b) told PO Cirino that she did not want to get dressed. PO Cirino told § 87(2)(b) to get dressed at least three times but § 87(2)(b) refused to cooperate. § 87(2)(b) § 87(2)(b) said that she was not going anywhere. PO Aymar entered the room at one point during the verbal exchange. § 87(2)(b) got up from her dresser and stood face to face with PO Cirino. PO Cirino said, "You're going to the precinct like this" and grabbed § 87(2)(b) by her upper arms. § 87(2)(b) tried to move her arms away but she was unable to do so. PO Cirino pushed her face down on her bed. § 87(2)(b) screamed and squirmed to try and escape PO Cirino's grasp. PO Cirino handcuffed § 87(2)(b). After she was cuffed, § 87(2)(b) squirmed her body enough so that she flipped over so she faced PO Cirino. PO Cirino then punched § 87(2)(b) approximately six times all over her face using a closed fist. § 87(2)(b) § 87(2)(b) sustained a bruise under her right eye as a result. § 87(2)(b) and § 87(2)(b) § 87(2)(b) screamed for PO Cirino to stop. § 87(2)(b) § 87(2)(b) never struck or punched PO Cirino at any point. § 87(2)(b) § 87(2)(b) rolled off the bed, hitting her body on the dresser, which caused more bruising to her arms and thighs. PO Cirino walked toward her but PO Aymar separated the two of them. PO Aymar unhandcuffed § 87(2)(b) and allowed her to get dressed; § 87(2)(b) § 87(2)(b) had no further interactions with PO Cirino.

§ 87(2)(b)'s arrest photo shows multiple scratches below her eyes (Board Review 03). § 87(2)(b) refused medical attention during her arrest processing but went to § 87(2)(b) Hospital on § 87(2)(b) after her release. § 87(2)(b) told her doctor that she got into a fight with her sister and that "the responding officer physically assaulted her by grabbing her and pushing her, that ultimately caused her to fall and hit her upper and lower extremities on the surrounding furniture and ground" (Privileged Documents). There is no mention of § 87(2)(b) being punched or a right eye injury in the medical records. § 87(2)(b) had scratches to her cheeks and got her X-Rays done of both of her hands. At the hospital, a photo of § 87(2)(b)'s face was taken; the photo is shadowed so it is unclear if § 87(2)(b) has a black eye. However, her right eye is not noticeably bruised or swollen and the right eye looks almost identical to the left eye. § 87(2)(b) was prescribed ibuprofen for pain.

§ 87(2)(b) testified that when PO Cirino came into § 87(2)(b)'s room, § 87(2)(b) got up from her bed and asked to get dressed (Board Review 04). PO Cirino refused to let her get dressed. PO Cirino handcuffed § 87(2)(b) and shortly thereafter punched her approximately seven times on her body and on her head seemingly out of nowhere. § 87(2)(b) yelled at PO Cirino and stepped out of the room because she was upset.

PO Cirino corroborated § 87(2)(b)'s testimony in that PO Cirino repeatedly tried to get § 87(2)(b) to get dressed, § 87(2)(b) refused to do so, and stood face to face with PO Cirino (Board Review 05). PO Cirino testified that PO Aymar then came into the room and spoke to § 87(2)(b) in Spanish, which PO Cirino does not understand. PO Aymar told PO Cirino that § 87(2)(b) agreed to get dressed but that she wanted privacy. PO Cirino told § 87(2)(b) that she could not be left alone. § 87(2)(b) yelled at PO Cirino, grabbed her clothes and "charged toward" PO Aymar. At this point, PO Cirino felt that she had given § 87(2)(b) enough chances to get dressed on her own accord. PO Cirino grabbed § 87(2)(b) by one of her wrists and placed § 87(2)(b) face down on the bed. § 87(2)(b) put her foot against PO Cirino's leg and twisted her body so that her back was on the bed and she was facing PO Cirino. PO Cirino lost her grip on § 87(2)(b)'s arm. Using both hands, § 87(2)(b) reached for PO Cirino's hair, reached to grab hold of her radio which was located on her shoulder, and reached for her shield. § 87(2)(b) reached over to scratch PO Cirino's face but PO Cirino blocked it with her right arm, which led to § 87(2)(b) punching her right arm twice. PO Cirino told § 87(2)(b) to "Stop" multiple times but at no point did she stop. PO Cirino swung an estimated two to four times at § 87(2)(b) but she did not know where she swung at § 87(2)(b) or if any of her strikes landed. PO Cirino did not know if she was using an open or closed fist while striking at § 87(2)(b). PO Cirino stated that she was trying to stop § 87(2)(b) from swinging at her. PO Cirino was unsure if she ever struck § 87(2)(b) in the face. PO Escobar then came into the room and pulled § 87(2)(b) away from underneath PO Cirino and handcuffed her. PO Cirino then stepped away, out of the room and did not have any further interaction with § 87(2)(b). PO Cirino never used any physical force against § 87(2)(b) after § 87(2)(b) was in handcuffs.

The AIDED report prepared for PO Cirino is consistent with her testimony; a photo attached to the AIDED report shows PO Cirino's arm but the photo does not show any visible injuries (Board Review 06). The LOD report prepared for PO Cirino notes that she was treated for a contusion to her right elbow and substantial forearm pain.

Civilian and Officer CCRB Histories

- This is the first complaint to which § 87(2)(b) has been a party.
- Police Officer Tamika Cirino has been a member of service for ten years and has been a subject in two CCRB complaints and three allegations, of which none were substantiated.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- As of October 11, 2018, the New York City Office of the Comptroller has no record of a notice of claim filed in connection with this incident.

§ 87(2)(b)

Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date